

# **FISCAL NOTE**

## **HB 2432**

January 15, 2008

**SUMMARY OF BILL:** Increases the penalty for abuse of corpse from a Class E felony to a Class C felony if the defendant caused the death of such person. Expands the discretionary sentence enhancement factors of the Criminal Sentencing Reform Act of 1989 to include mutilation of victim's body after death if defendant is convicted of second degree murder.

### **ESTIMATED FISCAL IMPACT:**

#### **Increase State Expenditures - \$82,500/Incarceration\***

##### Assumptions:

- According to the Administrative Office of the Courts, there were 37 convictions in the state trial courts since FY2000 for the offense of abuse of a corpse.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.09 percent per year for the past 10 years, yielding a projected compound population growth of 13.6 % over the next 10 years.
- Five offenders will receive a sentence elevated from a Class E to a Class C felony and will serve an additional 0.6 years (an increase from 0.3 years to 0.9 years) in the first year. Population growth will result in one additional offender in the tenth year as a result of this bill. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on six offenders serving an additional 0.6 years.
- According to the Department of Correction (DOC), the average operating cost per inmate per day for calendar year 2008 is \$62.78. The cost per inmate at 0.3 years is \$6,879.43 (\$62.78 x 109.58 days). The cost per inmate at 0.9 years is \$20,637.67 (\$62.78 x 328.73 days). The additional cost from increasing the average sentence length from 0.3 years to 0.9 years is \$13,758.24 (\$20,637.67 - \$6,879.43). The total additional operating cost for six offenders is \$82,549.44 (13,758.24 x 6).

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

**CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large initial "J" and a distinct "W".

James W. White, Executive Director

/lsc